

## **REMARKS**

Claims in the case are Claims 1-4, 6, 10-12, 14, 15, 27 and 28, upon entry of this amendment. Claim 1 has been amended, Claim 28 has been added, and Claims 7-9 have been cancelled without prejudice herein. Claims 5, 13 and 16-26 were previously cancelled without prejudice in an amendment dated 1 March 2005.

Claim 1 has been amended to incorporate the subject matter of Claim 8. Accordingly, Claim 8 has been cancelled herein.

Basis for added Claim 28 is found: in Claims 1 and 9, as it represents a combination thereof; and at page 4, lines 6-29 of the specification.

Claims 1-7, 10-12 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,607,590 B2 (**Jin et al**). This rejection is respectfully traversed in light of the amendments herein and the following remarks.

Jin et al discloses a method of preparing an optically clear protective thin film from a hydrolyzed coating solution that includes; tetraalkyl orthosilicate; epoxyalkylalkoxysilanes; (meth)acryloxyalkylalkoxysilanes; and solvents. See the abstract; and column 5, line 62 through column 6, line 2 of Jin et al.

Jin et al does not disclose, teach or suggest a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Al, B, VO or In, and in which m is 3. In addition, Jin et al does not disclose, teach or suggest such a process that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Zn, and in which m is 2.

Applicants note that the present rejection does not include Claims 8 or 9. Claim 1 has been amended herein to include the subject matter of Claim 8. Added Claim 28 represents a combination of Claims 1 and 9. Claims 8 and 9 have been accordingly cancelled herein.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by and patentable over Jin et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-3, 6, 7, 10-12 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,865,649 (**Kashiwagi et al**). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Kashiwagi et al disclose a coating solution that includes: (i) an organic solvent; and (ii) a cohydrolyzate of an alkoxysilane mixture composed of at least two kinds of di-, tri- and tetra-alkoxysilane compounds. See the abstract, and column 2, lines 19-35 of Kashiwagi et al.

Kashiwagi et al does not disclose, teach or suggest a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Al, B, VO or In, and in which m is 3. In addition, Kashiwagi et al does not disclose, teach or suggest a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Zn, and in which m is 2.

Applicants note that the present rejection does not include Claims 8 or 9. Claim 1 has been amended herein to include the subject matter of Claim 8. Added Claim 28 represents a combination of Claims 1 and 9. Accordingly, Claims 8 and 9 have been cancelled herein.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by and patentable over Kashiwagi et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1, 2, 4, 6, 7, 10-12 and 14-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,485,130 (Lampin et al). This rejection is respectfully traversed in light of the amendments herein and the following remarks.

Lampin et al disclose transparent coatings that are prepared from a composition of: organic solvent; a hardenable organosilicic compound that is prepared from a first hydrolysis reaction of one or more alkoxysilane compounds. See the abstract, and column 2, lines 25-52 of Lampin et al.

Lampin et al does not disclose, teach or suggest a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Al, B, VO or In, and in which m is 3. In addition, Lampin et al does not disclose, teach or suggest a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Zn, and in which m is 2.

Applicants note that the present rejection does not include Claims 8 or 9. Claim 1 has been amended herein to include the subject matter of Claim 8. Added Claim 28 represents a combination of Claims 1 and 9. Accordingly, Claims 8 and 9 have been cancelled herein.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over Lampin et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jin et al. In light of the amendments herein and the following remarks, this rejection is respectfully traversed.

Jin et al. has been discussed previously herein, and discloses a method of preparing an optically clear protective thin film from a hydrolyzed coating solution that includes; tetraalkyl orthosilicate; epoxyalkylalkoxysilanes; (meth)acryloxyalkylalkoxysilanes; and solvents. See the abstract; and column 5, line 62 through column 6, line 2 of Jin et al.

Jin et al. does not disclose, teach or suggest a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Al, B, VO or In, and in which m is 3. In addition, Jin et al. does not disclose, teach or suggest such a process of preparing a coating composition that includes hydrolyzing at least one compound  $M(R')_m$ , in which M is Zn, and in which m is 2.

Applicants note that the present rejection does not include Claims 8 or 9. Claim 1 has been amended herein to include the subject matter of Claim 8. Added Claim 28 represents a combination of Claims 1 and 9. Claims 8 and 9 have been accordingly cancelled herein.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over Jin et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

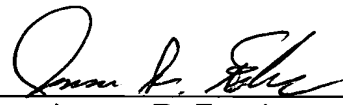
Applicants note with appreciation the remarks on page 6 of the Office Action of 5 May 2005 as to dependent Claims 8 and 9 being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8 and 9 each depend directly from Claim 1. As discussed previously herein, Claim 1 has been amended to include the subject

matter of Claim 8. Added Claim 28 is a combination of Claims 1 and 9. Claims 8 and 9 have been accordingly cancelled herein. In light of the amendments herein and the remarks as to allowability on page 6 of the present Office Action, Claims 1 and 28 are deemed to be in condition for allowance.

Applicants note with appreciation the further remarks on page 6 of the Office Action of 5 May 2005 regarding the allowability of independent Claim 27.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By   
James R. Franks  
Agent for Applicants  
Reg. No. 42,552

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3808  
FACSIMILE PHONE NUMBER:  
(412) 777-3902  
s:\shared\kgb\jrf400am